

1 Kim Schumann, Esq., State Bar #170942  
1 Jeffrey P. Cunningham, Esq., State Bar #151067  
2 **SCHUMANN | ROSENBERG**  
2 3100 Bristol Street, Suite 100  
3 Costa Mesa, CA 92626  
3 Telephone (714) 850-0210  
4 Facsimile (714) 850-0551  
4 Email: Cunningham@SchumannRosenberg.com

5 Attorneys for Defendant, ORLY TAITZ

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7 **UNITED STATES DISTRICT COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

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10 LISA LIBERI and PHILIP J. BERG,  
11 ESQUIRE and THE LAW OFFICES OF  
12 PHILIP J. BERG and LISA M.  
13 OSTELLA and GO EXCEL GLOBAL,

14 Plaintiffs,

15 vs.

16 ORLY TAITZ, a/k/a DR. ORLY TAITZ,  
17 a/k/a LAW OFFICES OF ORLY TAITZ;  
18 a/k/a WWW.ORLYTAITZESQ.COM  
19 a/k/a WWW.REPUBX.COM a/k/a  
20 ORLY TAITZ, INC. and DEFEND OUR  
21 FREEDOMS FOUNDATIONS, INC., et  
22 al.; and DOES 1 through 200 Inclusive,

Defendants.

) Case No. 8:11-CV-00485-AG (AJW)  
Hon. Andrew Guilford  
Courtroom 10D

) **DECLARATION OF DEFENDANT,  
ORLY TAITZ, IN REPLY TO  
PLAINTIFFS' UNTIMELY  
OPPOSITION TO MOTION TO  
STRIKE PLAINTIFFS' FIRST  
AMENDED COMPLAINT  
PURSUANT TO CALIFORNIA  
CODE OF CIVIL PROCEDURE  
SECTION 425.16**

) [Filed with Reply MPA and Objections  
to Plaintiffs' Request for Judicial  
Notice]

) Date: June 17, 2013  
Time: 10:00 a.m.  
Courtroom: 10D

) Date Action Filed: May 4, 2009  
Trial Date: None

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I, ORLY TAITZ, declare and state as follows:

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27 **DEFENDANT ORLY TAITZ'S DECLARATION SUPPORTING REPLY RE: ANTI-SLAPP MOTION TO  
STRIKE**

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1        1. I am a Defendant in the case captioned above. I am also an attorney and  
2 counsel for Defendant, DEFEND OUR FREEDOMS FOUNDATIONS, INC. I  
3 make this declaration based on my personal knowledge of the facts stated herein. I  
4 gained my knowledge of those facts by virtue of my participation in the events  
5 described herein, my preparation or review of the documents described herein, or  
6 some combination of the foregoing as identified herein. If called to testify to the facts  
7 stated herein, I could and would do so competently and truthfully.

8        2. I have read and am familiar with the untimely Opposition of Plaintiffs,  
9 LISA LIBERI ("Liberi"), LISA M. OSTELLA , PHILIP J. BERG, ESQUIRE, GO  
10 EXCEL GLOBAL, and THE LAW OFFICES OF PHILIP J. BERG (collectively  
11 "Plaintiffs"), to my Motion pursuant to California Code of Civil Procedure § 425.16  
12 to strike Plaintiffs' First Amended Complaint. In their Opposition, Plaintiffs make  
13 several false statements and arguments regarding jurisdiction in this matter, and  
14 regarding alleged publication of Liberi's Social Security Number ("SSN"), to which I  
15 am responding in this declaration.

16        3. As demonstrated in my Motion (Section II), Plaintiffs fail to establish  
17 that there is subject matter jurisdiction, based on diversity of citizenship, herein.  
18 First, Plaintiffs contend that "this argument has been raised, and resolved against  
19 Taitz, numerous times before...." (Opposition, 7:28 and 8: 1.) Plaintiffs state that the  
20 initial District Court Judge in this matter, Eduardo Robreno, "has ruled that there is  
21 diversity of citizenship in this case, whether Liberi was a resident of Pennsylvania or  
22 New Mexico." Plaintiffs refer to Doc. Nos. 123 and 160 for their argument.  
23 (Opposition, 8: 4-5.) Plaintiffs' argument is false.

24        4. Doc. No. 123 is Judge Robreno's June 22, 2010 Memorandum.  
25 Plaintiffs rely on its pg. 3, fn. 1 providing in relevant part: "the issue is inapposite to

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1 Plaintiff Berg's motion for leave to file a motion for reconsideration and the legal  
2 conclusions reached in this case." Therefore, Judge Robreno found the issue of  
3 whether there is diversity jurisdiction herein to be irrelevant to, and thus expressly  
4 did not rule on said issue, in his Memorandum.

5 5. Doc. No. 160 is Judge Robreno's December 23, 2010 Memorandum.  
6 Plaintiffs rely on its pg. 6. In said portion of that Memorandum, the Court merely  
7 recited the alleged bases for diversity jurisdiction, including that Plaintiffs alleged  
8 that Liberi had a "business address" in Pennsylvania. The Court did not determine  
9 that diversity jurisdiction existed. That issue was not even before the Court in  
10 connection with its Memorandum. At issue before the Court were the parties'  
11 motions for injunctive relief. There was no consideration of, or determination on, the  
12 issue of whether diversity jurisdiction is present.

13 6. Second, Plaintiffs contend that whether there is diversity jurisdiction  
14 herein "was also raised, and rejected, in Taitz's previous Anti-SLAPP motion."  
15 Plaintiffs refer to Doc. No. 227 for their argument. (Opposition, 8: 6-8.) Plaintiffs'  
16 argument is false. Doc. No. 227 is the Order on my anti-SLAPP motion, and  
17 Fed.R.Civ.P. Rule 12(b)(1) and 12(b)(6) motions. I demonstrated that there is no  
18 diversity jurisdiction in this case. The Court did not rule on this issue with prejudice.  
19 For example, the subject portion of that Order (on pg. 8) states: "At this stage, the  
20 Court accepts Plaintiffs' allegations of diversity jurisdiction. The Court DENIES the  
21 Motion to Dismiss under Rule 12(b)(1) but without prejudice." (Emphasis added.)  
22 Therefore, such issue was not "rejected" as Plaintiffs contend. That there is no  
23 diversity jurisdiction herein may, and should, be resolved on my pending  
24 anti-SLAPP motion.

25 7. Third, Plaintiffs assert: "Liberi has filed declarations establishing that

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27 **DEFENDANT ORLY TAITZ'S DECLARATION SUPPORTING REPLY RE: ANTI-SLAPP MOTION TO  
28 STRIKE**

1 she is not a resident of California or Texas... and providing good cause for not  
2 showing her current driver's license to Taitz...." Plaintiffs refer to Doc. Nos. 146-7  
3 and 186-3 for their argument. (Opposition, 8: 10-14.) Plaintiffs' argument is false.  
4 Doc. No. 146-7 is a purported October 2010 "Verification" of Liberi, not a  
5 declaration. In it, she refused to identify her state of residence. She also refused to  
6 identify where she resided when Plaintiffs initiated this case, in May 2009.  
7 Jurisdiction is determined as of the time the action is filed. (Grupo Dataflux v Atlas  
8 Global Group, L.P., 541 U.S. 567, 574 (2004).) Thus, Liberi's state of residence in  
9 October 2010, or at any other time except for on May 4, 2009, as a matter of law is  
10 irrelevant to the issue of whether diversity jurisdiction exists. Further, although  
11 Plaintiffs in their Complaint alleged that Liberi had a "business address" in  
12 Pennsylvania, she in her "Verification" failed to state that she had any connection, by  
13 residing in the state or otherwise, with Pennsylvania.

14 8. Doc. No. 186-3 is Liberi's May 2011 declaration, in which she stated  
15 that she resided at that time in New Mexico. Where she resided in May 2011 is  
16 irrelevant to the subject inquiry for diversity jurisdiction, her residence in May 2009  
17 when the case was filed. (Grupo Dataflux, *supra*, 541 U.S. at 574.) She refused to  
18 state where she resided in May 2009.

19 9. Third, Plaintiffs assert: "Liberi has shown her driver's license to Judge  
20 Robreno *in camera*...." (Opposition, 8: 14-15.) Plaintiffs' argument is false. There is  
21 no evidence supporting it. Neither Liberi nor any other Plaintiff has filed a  
22 declaration establishing that Liberi showed her driver's license to Judge Robreno.  
23 Liberi thus de facto accused Judge Robreno of judicial misconduct, of holding some  
24 type of meeting with Plaintiffs, examining Liberi's drivers license *in camera* but not  
25 notifying Defendants nor making any notation in the file, not making any  
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1 memorandum, which would make any reference to such a meeting. Liberi and her  
2 attorney Berg were ordered by Judge Robreno during the August 7, 2009 hearing to  
3 file with the Court Liberi's drivers license, as is evidenced in the transcript of that  
4 hearing.

5 10. There is no court record (such as a transcript, order or memorandum)  
6 establishing or even referring to Liberi presenting her drivers licence to Judge  
7 Robreno in camera. Thus, for four years now both Liberi and Berg have been in  
8 flagrant contempt of the Order by Judge Robreno. Moreover, *if* Liberi had done so  
9 (and she has not), then this Court would not have ruled in Doc. No. 227 that my Rule  
10 12(b)(1) motion be denied without prejudice.

11 11. Judge Robreno simply severed the case into two parts based on personal  
12 jurisdiction of the defendants and never ruled on any pending motion in regards to  
13 subject matter jurisdiction. All of the pending motions before him were denied  
14 without prejudice. I filed an appeal in the Third Circuit Court of Appeals (Case  
15 10-3000 Taitz v Liberi et al.). All other Defendants joined in my appeal. I argued that  
16 my Rule 12(b)(1) and 12(b)(6) motions had to be ruled upon with prejudice, that if  
17 there is no subject matter jurisdiction in the federal court system, if there is no  
18 diversity, then Judge Robreno had no jurisdiction to even transfer the case. If there is  
19 no federal jurisdiction, there is no jurisdiction in both Pennsylvania and California.  
20 Berg objected to my appeal and claimed that the Third Circuit Court of Appeals had  
21 no jurisdiction to even hear my appeal. Originally Third circuit Ciurt of Appeals  
22 ruled that it had jurisdiction to hear my appeal. Nine months later the Third Circuit  
23 Court reversed its' decision and ruled that since Judge Robreno already transferred  
24 this case to California, it will be up to the transferee court to hear all pending motions.  
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1 "All unresolved motions shall be decided by the transferee courts because we lack  
 2 jurisdiction to determine the merits." See id. § 3846, at 69 . Taitz, DOFF v Liberi et  
 3 al appeal Case: 10-3000 Document: 003110481662 Page: 4 Date Filed: 03/28/2011  
 4 (emphasis added) . Therefore, my Rule 12(b)(1) motion filed on June 11, 2009 was  
 5 supposed to be heard on the merits by the transferred Court, which is this Court. I  
 6 renewed said Motion and it was denied by this Court without prejudice.  
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8       12. Similarly, *if* Judge Robreno had ruled that there is diversity jurisdiction  
 9 herein (and he did not), then this Court would not have ruled in Doc. No. 227 that  
 10 my Rule 12(b)(1) motion be denied without prejudice. That this Court has explicitly  
 11 made that ruling without prejudice is conclusive of the issue whether it has or has not  
 12 been determined that diversity jurisdiction is present herein.

13       13. Contrary to Plaintiffs' false arguments, that fact there is no diversity  
 14 jurisdiction herein may, and should, be resolved on my anti-SLAPP motion. After  
 15 four years of being abused and harassed with over 20,000 pages of highly  
 16 defamatory material against me, I am entitled to have this matter finally ruled upon  
 17 with prejudice. Where diversity jurisdiction does not exist, this is one of many  
 18 reasons why Plaintiffs cannot meet their burden in opposition to my anti-SLAPP  
 19 Motion to show a probability of prevailing.

20       14. As demonstrated in my motion, Liberi's claims regarding my alleged  
 21 publication of her SSN are barred by res judicata and/or collateral estoppel. Plaintiffs  
 22 in their Opposition continue to assert that I published Liberi's SSN. (Opposition, 14:  
 23 5-18.) However, according to Liberi's September 2006 declaration filed with this  
 24 Court (as Doc. No. 283-2), the SSN that I allegedly published (ending in "4312") is  
 25 different than her actual SSN (ending in "6858"). The SSN that I allegedly published  
 26 was stated by Liberi in her August 2002 bankruptcy filing as ending in "4312." (See,  
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1 Doc. No. 136-1, of which I have requested the Court take judicial notice.) However,  
2 Liberi in her declaration four years later stated that her SSN ended in "6858." True  
3 copies of the first and last pages of Liberi's declaration are attached hereto as  
4 "**Exhibit A**" and are incorporated herein by this reference as though fully set forth. I  
5 previously filed with this Court this declaration in Doc. No. 283-2, Liberi's  
6 declaration filed by her with the Superior Court of California in her criminal case  
7 FWV 028000 on September 21, 2006. Liberi did not deny and therefore conceded  
8 that she indeed filed this declaration in Superior Court and that the SSN allegedly  
9 published by me is not her SSN based on her own declaration. Therefore, where  
10 according to Liberi I did not publish her actual SSN, this is one of many reasons why  
11 Plaintiffs cannot meet their burden in opposition to my anti-SLAPP Motion to show  
12 a probability of prevailing.

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14 I hereby declare under penalty of perjury under the laws of the State of  
15 California and of the United States of America that the above is true and correct.

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17 Dated this 3rd day of June, 2013, in Costa Mesa, California.

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19 /s/ - Orly Taitz

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27 DEFENDANT ORLY TAITZ'S DECLARATION SUPPORTING REPLY RE: ANTI-SLAPP MOTION TO  
28 STRIKE  
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# EXHIBIT “A”

## DECLARATION OF LISA LIBERI

I, Lisa Liberi, do hereby declare that:

I am the defendant in the within action and am making this Declaration in support of my Motion to recuse the Office of the District for the County of San Bernardino.

1. On numerous occasions during the pendency of this action, DDA Secord has made reference to a criminal record which I purportedly had in the State of Texas. These references were made during my attempts to obtain an OR release or bail reduction and appear to have been an attempt to prejudice the Court against me. The attempt was apparently successful as the Court wouldn't even grant electronic monitoring.

2. While it is true that in or about 1985, I was arrested in Waco, Texas, my mother, Shirley Waddell posted bail for me, no charges were filed against me and, obviously, I was not convicted of anything. I do not recall what I was arrested for, as it was 21 years ago.

16 3. My attorney asked me what the District Attorney was talking about. In an effort to  
17 establish the truth, I went to the Texas Department of Public Safety, Crime Records  
18 Service, and Computerized Criminal History at and ran  
19 my name as Lisa R. Richardson and as Lisa R. Courville with my date of birth, May 28.  
20 1965. no criminal records were found. (A true and correct copy of the search is attached  
21 hereto and incorporated in by reference as Exhibit 1.)  
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23 4. I then went to Instant Criminal Checks and paid to run my name with my social security  
24 number [REDACTED]-6858 at [REDACTED], again, no records were  
25 found. (A true and correct copy of the instant criminal check is attached hereto and  
26 incorporated in by reference as Exhibit 2.)

1 on my case.

2 33. For the above aforementioned reasons, I respectfully request that D.D.A. James Secord  
3 and the San Bernardino County District Attorney's office be recused to insure me a  
4 chance at a fair trial.

5 I declare under the penalty of perjury of the laws of the State of California the foregoing is  
6 true and correct.

7 DATED: September 21, 2006

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10 LISA LIBERI  
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DECLARATION OF LISA LIBERI